

process here on this very, very important issue. Everybody on both sides of the aisle has talked about the need to make sure that we have the right intelligence, and yet through this process there are a number of questions, I think very legitimate questions, that were raised; because if this rule is adopted, then we will have no opportunity to even vote on the manager's amendment. It will be self-executing.

It seems to me like it is a process by which, because we all know pretty much that rule votes are party votes. So it is like denying anybody an opportunity. If somebody on the other side has some questions about the questions that were raised here, they will be denied the opportunity because you have got to stay with the party and support the rule. Mr. Speaker, I just simply say that is a very, very bad process.

Mr. Speaker, we also need to pass the stand-alone veterans funding bill. It has now been over 150 days since the veterans funding bill was approved by the House. The Senate passed a similar bill and appointed its conferees 2 months ago. Sadly, Democrat leadership in the House has refused to name conferees and instead has chosen to put politics and partisanship ahead of ensuring that our veterans' needs are met.

Once the Democrat leaders appoint conferees, the House can move forward and pass the stand-alone veterans bill. Mr. BOEHNER took a positive historic step in that direction; now Speaker PELOSI must follow. Therefore, I will be asking my colleagues to vote "no" on the previous question so that I can amend the rule to allow the House to immediately act to go to conference with the Senate on H.R. 2642, the Military Construction and Veterans Affairs Funding Bill and appoint conferees.

Mr. Speaker, I ask unanimous consent to have the text of the amendment and extraneous material inserted in the RECORD prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. HASTINGS of Washington. I urge my colleagues to oppose the previous question and the 42nd, Mr. Speaker, closed rule that we are debating here today.

With that, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, for a year and a half, the Intelligence and Judiciary Committees have been working with the administration to craft a bill that will ensure our Nation is protected, without sacrificing American constitutional liberties. Let me just talk about some of the people that have had input into that particular measure. The chairman of the Judiciary Committee, JOHN CONYERS; the chairman of the Select Committee on Intelligence, SILVESTRE REYES; the ranking members of both of those committees, including Mr. HOEK-

STRA; all of the members of the Select Committee on Intelligence, including myself; Ms. HARMAN, who serves on Homeland Security.

Countless testimonies during that year and a half, hundreds of discussions and negotiations between the staffs of the respective committees, and a markup of this particular provision that the Republicans brought only two amendments to in the markup in the Select Committee on Intelligence.

We negotiated. We compromised. We reached an agreement. Then the administration backed out of the agreement. So we negotiated some more. We compromised some more. We reached another agreement. We reached agreements until we were blue in the face here in August. Everybody was so tired, and the administration continued to back out of the agreement. Then, less than 24 hours before the bill was supposed to come to the floor in August, the administration reneged on the agreement and refused to work with us to protect the American people.

Last month, Democrats again brought this bill to the floor, and yet again Republicans tried to play politics with the safety of the American people. Just as they did this past summer, Republicans and the administration now seem content on letting the clock run out on the current FISA law rather than working with us to get something done. They choose and chose obstructionism rather than bipartisan cooperation.

Mr. Speaker, the American public needs to know that there are no persons in the United States Congress that do not want to protect the security and liberty of the United States.

So I do not cast aspersions on my colleagues for having a different view as to how administratively we should proceed to protect those securities and liberties, but everybody here is mindful of all of our responsibilities. So the hyperbole is off the chain sometimes when I hear people talk and it is as if we didn't really do substantively what was required of us as individuals on behalf of the American people.

None of us should be ashamed of any of the work that was done with reference to the RESTORE Act. We made a bad bill better. And it is not as good, for example, as I would like for it to be, but it is as good as we are going to get with this administration at this time.

The esteemed chairperson of the Intelligence Committee, Representative REYES, has noted on more than one occasion: You can have your own opinion, but you can't have your own facts.

Mr. Speaker, those are the well-documented facts that I just got through dealing with. The RESTORE Act protects the American people. It protects them at home and on the streets. It protects their safety and the constitutional rights, which have been intact more than 225 years, and no one need fear when the fearmongers come here and try to divide people by having

somebody think that undocumented aliens are going to be put in some category. I personally am just tired of the smearing that is being done with reference to immigration in this country. We need a solid immigration policy, and we need a policy that contemplates all of the particulars of that immigration set of circumstances.

Mr. Speaker, this body has the responsibility today to pass this rule and the underlying legislation today. The security of this Nation requires it of all of us, and I believe all of us want that security and liberty. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. HASTINGS of Washington is as follows:

AMENDMENT TO H. RES. 824 OFFERED BY MR. HASTINGS OF WASHINGTON

At the end of the resolution, add the following:

SEC. 2. The House disagrees to the Senate amendment to the bill, H.R. 2642, making appropriations for military construction, the Department of Veterans Affairs, and related agencies for the fiscal year ending September 30, 2008, and for other purposes, and agrees to the conference requested by the Senate thereon. The Speaker shall appoint conferees immediately, but may declare a recess under clause 12(a) of rule I for the purpose of consulting the Minority Leader prior to such appointment. The motion to instruct conferees otherwise in order pending the appointment of conferees instead shall be in order only at a time designated by the Speaker in the legislative schedule within two additional legislative days after adoption of this resolution.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the